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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,812	10/19/2004	Gheorge S Stan	NL 020359	6549
24737 7590 01/19/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER PHAM, VAN T	
			ART UNIT 2627	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/511,812⁹

Applicant(s)

STAN, GHEORGE S

Examiner

VAN T. PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14,20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14,20-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed on 12/11/2006 have been considered but they are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-14, 20-22, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minemura et al. (US 2001/0043529) in view of Koike et al. (US 5,625,616).

Regarding claim 1, Minemura discloses a device for recording data on a recording medium which can be written by a recording head unit which produces a recording energy beam, the device comprising: a control assembly for controlling intensity of the recording beam (see Fig. 14, and [0058]), a set of measures for supplying control data to said control assembly comprising a measuring circuit for measuring the quality of recorded signals (Figs 14-15), a database relating to the recording medium for supplying previous data to said control assembly (see Figs. 14-15), wherein the set of measures comprises jitter measuring circuit configured to measure jitter points associated with different power levels provided to a source of the recording beam, an optimal power level provided to the source being associated with one of the jitter points having a lowest error (see Figs. 14-16, 18, abstract).

Koike discloses a temperature measuring circuit configured to adjust intensity based on temperature (see Figs. 1-6).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a temperature measuring circuit in Minemura as suggested by Koike, the motivation being in order to have the deterioration of the light emitting device can be accurately estimated (see Koike abstract).

Regarding claim 2, the combination of Minemura and Koike, discloses the device as claimed in claim 1, wherein in that at least one of the measuring circuits determines parameters through measurements from real-time recording conditions (see Minemura Fig. 9).

Regarding claim 4, the combination of Minemura and Koike, discloses the device as claimed in claim 1, wherein the temperature measuring circuit operates in real time during recording (see Koike, inherent).

Regarding claim 5, the combination of Minemura and Koike, discloses the device as claimed in claim 1, wherein the temperature measuring circuit includes a circuit for measuring threshold current needed by a semiconductor laser to provide said recording energy beam (see Koike Figs. 2, 5-6).

Regarding claim 6, the combination of Minemura and Koike, discloses the device as claimed in claim 1, wherein at least one of the parameters supplied to the control assembly is related to a scanning velocity at which recording take place (see Minemura [0009]).

Regarding claim 8, the combination of Minemura and Koike, discloses the device as claimed in claim 1, wherein at least part of the database is contained at a location of said medium (see Minemura Fig. 14).

Regarding claim 9, the combination of Minemura and Koike, discloses the device as claimed in 1, wherein in that at least part of the database is contained in a memory (see Fig.14).

Regarding claim 10, the combination of Minemura and Koike, discloses the device as claimed in claim 1, wherein the recording medium is in the form of an optical disc (see Minemura Fig. 14).

Regarding claim 11, see rejection above of claim 1, the combination of Minemura and Koike, discloses a recording method comprising the acts of: inserting a medium to be recorded into a recording device, identifying the medium, rejecting the medium if it is unsuitable for recording (noted all these steps are inherently and they are intended used), recording test data on the medium, reading the test data, determining recording power based on signal levels from reading the test data (see Minemura Fig. 14-16, 18 and abstract), entering a first correction of said recording power as a function of jitter data associated with different power levels provided to a source of a recording beam, an optimal power level of the recording power being associated with one of the jitter data having a lowest error, and (see Minemura Figs. 1b, 6, 10, 16, 18), entering a second correction as a function of temperature and (see Koike Figs. 1-6) scanning speed of the medium (see Minemura [0009]).

Regarding claim 12, the combination of Minemura and Koike, discloses the method as claimed in claim 11, wherein the entering the second correction act is carried out in real time during the recording of data (see Minemura Fig. 9).

Regarding claim 13, the combination of Minemura and Koike, discloses the recording medium obtained by the implementation of the method as claimed in claim 11 (see rejection claim 11).

Regarding claim 14, see rejection above of claim 10.

Regarding claim 20, the combination of Minemura and Koike discloses the device of claim 1, wherein the error includes a phase error occurring while synchronizing data with a clock reference frequency (see Minemura Fig. 1a).

Regarding claim 21, the combination of Minemura and Koike discloses the device of claim 1, wherein the power levels are consecutively increasing or decreasing (see Minemura Figs. 1b, 16, 18).

Regarding claim 22, the combination of Minemura and Koike discloses the device of claim 1, wherein the power levels are separated by unequal steps (see Minemura Figs. 1b, 6, 16 and 18).

Regarding claim 25, see rejection above of claim 1.

Regarding claim 26, see rejection above of claims 1 and 20-22.

Regarding claim 27, see rejection above of claim 20.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minemura et al. (US 2001/0043529) in view of Koike et al. (US 5,625,616) further in view of Arioka et al. (US 2002/0191512).

Regarding claim 7, the combination of Minemura and Koike, discloses the device as claimed in claim 1, wherein the measuring circuit operates in real time during recording (see Koike, inherent).

Arioka discloses a tilt measuring circuit (see [0092], [0181] and [0185]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a tilt measuring circuit in the combination of Minemura and

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Koike as suggested by Arioka, the motivation being in order to prevent a variation in angle of incidence of the laser beam to the recording layer (see Arioka [0092]).

Allowable Subject Matter

5. Claims 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 23 is allowable because all the recited references do not disclose or suggest all the limitation in claim 1 and a first straight line is drawn through a first set of the jitter points and a second straight line is drawn through a second set of the jitter points, an intersection of the first straight line with the second straight line being associated with the optimal power level.

Claim 24 fall with claim 23.

Cited References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to Power level are optimized for minimum jitter (see 2005/0180285) or jitter becomes minimum as the optimum recording power (see 2003/0081518) or jitter magnitude is lowest as an optimal writing power (see US 2005/0041549); Asymmetry detection apparatus, jitter detection (Nakajima et al. US 2001/0006500).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Pham whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am – 600pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER